

A CONFIRMING RESOLUTION amending the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4420 Clubview Drive, Fort Wayne, Indiana 46804 (L.H. Carbide Corporation).

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution number R-61-92 the following described property as an "Economic Revitalization Area" under then Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana which has since been recodified as Section 153.02 of the Municipal Code of the City of Fort Wayne, Indiana, of 1993, as amended and I.C. 6-1.1-12.1, to wit:

The legal description for the property commonly known as 4420 Clubview Drive, Fort Wayne, Indiana is attached hereto as "Exhibit A" as if a part herein; and

WHEREAS, L.H. Carbide submitted an application for Economic Revitalization Area status to the City of Fort Wayne through its Department of Economic Development on October 1, 1992; and

WHEREAS, L.H. Carbide stated in both its "Application to the City of Fort Wayne, Indiana for Designation of Property as an 'Economic Revitalization Area' and Statement of Benefits" and its attached "Statement of Benefits" that the expected date for completion of installation of personal property was the fourth quarter of 1995; and

WHEREAS, it is the policy of the Fort Wayne Common Council to grant a designation period which will encompass the length of time an applicant states is needed to properly install equipment or construct structures proposed for designation; and

WHEREAS, a designation period of three years is normal policy of the Fort Wayne Common Council in order to encompass the length of time L.H. Carbide stated it would need for proper installation of its equipment; and

1 **WHEREAS**, in reviewing files for said L.H. Carbide project it
2 was found that a scrivener's error had been made with regard to the
3 normal designation period granted to L.H. Carbide; and

4 **WHEREAS**, said scrivener's error was not in keeping with Fort
5 Wayne Common Council's policy regarding the normal designation
6 period given to projects; and

7 **WHEREAS**, Fort Wayne Common Council amended Confirming
8 Resolution No. R-61-92 with Confirming Resolution No. R-31-94 in
9 order to correct said scrivener's error and to conform to Fort
10 Wayne Common Council policy regarding the normal designation period
11 given to projects; and

12 **WHEREAS**, the Indiana State Board of Tax Commissioners did not
13 recognize Amended Confirming Resolution No. R-31-94 causing L.H.
14 Carbide to be unable to receive deductions from the assessed value
15 of real and personal property as intended by the Fort Wayne Common
16 Council; and

17 **WHEREAS**, the 109th Session of the Indiana General Assembly did
18 enact Senate Enrolled Act No. 313 amending I.C. 6-1.1-12.1-1(b)
19 effective July 1, 1995; and

20 **WHEREAS**, I.C. 6-1.1-12.1-1(b) allows a designating body's
21 actions taken after February 1, 1991 and before July 1, 1995, in
22 (1) designating an economic revitalization area; or (2) approving
23 a statement of benefits or making required findings of fact after
24 the initiation of the: (A) redevelopment; (B) installation of new
25 manufacturing equipment; or (C) rehabilitation; for which the
26 person desires to claim a deduction under I.C. 6-1.1-12.1 to be
27 legal and valid; and

28 **WHEREAS**, Confirming Resolution No. R-31-94 did amend
29 Confirming Resolution No. R-61-92 and was undertaken after February
30 1, 1991 and before July 1, 1995; and

31 **WHEREAS**, it is in the public interest of the City of Fort
32 Wayne to legalize and validate said amending resolution; and

WHEREAS, notice of the adoption and substance of said

Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property as an "Economic Revitalization Area" is again confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the original effective date of Confirming Resolution No. R-61-92 and continue for a three year period thereafter.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall apply to both a deduction of the assessed value of real estate and personal property for new manufacturing equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation and the estimate of the value of the new manufacturing equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the installation of the new manufacturing equipment.

SECTION 5. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten (10) years, and that the deduction from the assessed value of the new manufacturing equipment shall be for a period of five (5) years.

SECTION 6. The benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the

project and are sufficient to justify the applicable deductions.


SECTION 7. For new manufacturing equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing.

SECTION 8. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to both the Allen County Auditor's Office and the City of Fort Wayne's Department of Economic Development and must be included in the deduction application. For subsequent years, the performance report must be updated within sixty days after the end of each year in which the deduction is applicable.

SECTION 9. The performance report must contain the following information:


- A. The cost and description of real property improvements and/or new manufacturing equipment acquired.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.
- F. The tax savings resulting from the real and/or personal property being abated.

SECTION 10. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Member of Council

APPROVED AS TO FORM AND LEGALITY



J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Don Smith, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 9-12-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Don Smith, seconded by _____, and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY				<u>✓</u>
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 9-26-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

SPECIAL)

(ZONING)

ORDINANCE

RESOLUTION NO. R-61-95

on the 26th day of September, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Don J. Schneider
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of September, 1995, at the hour of 11:30 o'clock PM, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of September, 95, at the hour of 5:15 o'clock PM, M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. R-95-09-11

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - CHAIR
MARK E. GIAQUINTA - VICE CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) amending the designation
of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property
commonly known as 4420 Clubview Drive, Fort Wayne, Indiana 46804
(L.H. Carbide Corporation)

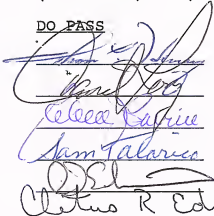
HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
~~(ORDINANCE)~~ (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

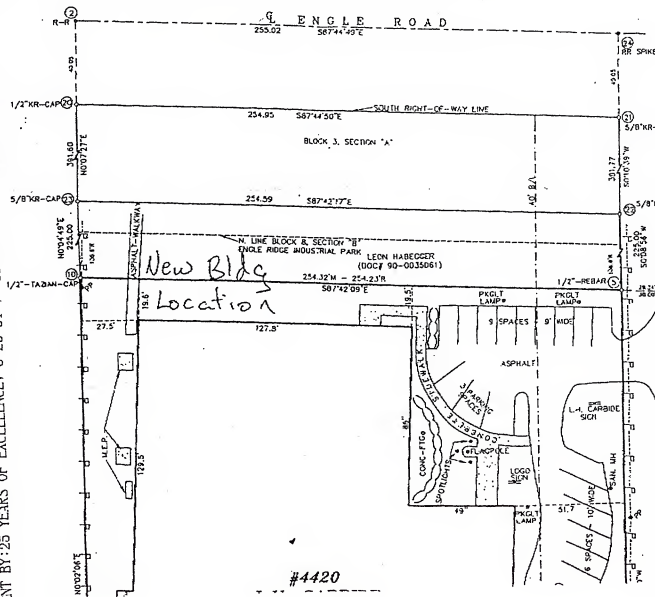




DATED: 9-26-95

Sandra E. Kennedy
City Clerk

ENT BY: 25 YEARS OF EXCELLENCE; 3-29-94 ; 15:22 ; L. H. CARBIDE CORP. -





MEMORANDUM

TO: Common Council Members

FROM: Beth Neu,
Director, Dept. of Economic Development

DATE: Sept. 8, 1995

RE: Resolution amending a previous Economic Revitalization
Area designation for L.H. Carbide Corporation

Background

Q-95-09-11

Description of Project: The property commonly known as 4420 Clubview Drive, Fort Wayne, Indiana was previously designated an "Economic Revitalization Area" for a period of one year due to a scrivener's error, when it should have been a three year designation period. The State Board of Tax Commissioners, would not accept the previous resolution passed by the Common Council amending Resolution R-61-92, until the Indiana General Assembly passed Senate Enrolled Act 313 this year. Since this act has been passed, the company now needs a new amended resolution from the Common Council in order to receive the actual tax abatement.

Effect of Passage

Will allow L.H. Carbide to receive the tax abatement as originally intended.

Effect of Non-Passage

The company will file a suit in tax court.

Staff Recommendation

The amended resolution should be passed as written allowing the designation period to remain in place through the end of 1995.

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Confirming Resolution (Amending Resolution R-61-92)
DEPARTMENT REQUESTING ORDINANCE Department of Economic Development
SYNOPSIS OF ORDINANCE L. H. Carbide requested an Economic Revitalization Area designation in 1992 to allow them to apply for tax abatement for three years. Originally, City Council approved it for only one year, but then noting the "scrivener's error" amended the resolution in 1994 to allow the designation period to remain through the end of 1995. However, the Indiana State Board of Tax Commissioners would not recognize the amended resolution and requested that City Council pass another Amended Resolution citing Senate Enrolled Act 313 which was passed by the Indiana General Assembly this year.

EFFECT OF PASSAGE Will allow the company to apply for the tax abatement as originally planned and comply with the demands of the Indiana State Board of Tax Commissioners.

EFFECT OF NON-PASSAGE State Board of Tax Commissioners may deny request and company will have to file a suit in tax court.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Company will realize tax savings of approximately \$100,000.

ASSIGNED TO COMMITTEE (PRESIDENT) Donald J. Schmidt
